

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL GONZALEZ, et al.,
Plaintiffs,
v.
COUNTY OF ALAMEDA, et al.,
Defendants.

Case No. 3:19-cv-07423-JSC

**ORDER TO PLAINTIFF MICHAEL
LOCKHART TO APPEAR FOR
DEPOSITION**

Re: Dkt. No. 317

Plaintiff Michael Lockhart brings individual claims regarding the denial of medical care while he was incarcerated in an Alameda County jail. (Dkt. No. 180 at ¶ 14.3.4.) Following a meet and confer, Defendants noticed Mr. Lockhart's deposition for the mutually agreed upon date of August 25, 2023. (Dkt. No. 317 at 1.) On August 21, 2023, Plaintiffs' counsel advised Defendants Mr. Lockhart would not be appearing for his deposition and "he will not be rescheduling his deposition." (*Id.* at 11-12.) Plaintiffs' counsel thereafter declined to join in a stipulation to dismiss Mr. Lockhart's claims. (*Id.* at 7-10.) Plaintiffs also declined to join in Defendants' now pending discovery letter brief seeking a court order compelling Mr. Lockhart to appear for deposition. (*Id.* at 45.)

Plaintiff Michael Lockhart is ORDERED to appear for deposition on October 5, 2023 at a location and time to be identified by Defendants. Given Mr. Lockhart's prior refusals to appear for deposition, if he fails to appear for the October 5 deposition, his claims will be dismissed for failure to prosecute. See Fed. R. Civ. Pro. 37(b)(2)(A)(v).

Defendants shall provide Plaintiffs' counsel the location and time of the October 5, 2023

1 deposition by 5:00 p.m., September 25, 2023, and Plaintiffs' counsel shall serve Mr. Lockhart
2 with a copy of this Order and the information regarding the time and place of the deposition.
3 Plaintiffs' counsel shall file proof of service by noon, September 26, 2023.

4 This Order disposes of Docket No. 317.

5 **IT IS SO ORDERED.**

6 Dated: September 25, 2023

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9 JACQUELINE SCOTT CORLEY
10 United States District Judge
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